Appendix F

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Attachment B: Example of Acceptable Community Boat Dock Association Agreement

1.0 Purpose Summary

1.1 Purpose of Appendix F

Appendix F has been developed by the Division of Forestry, Fire and State Lands (FFSL) to provide sufficient data to support the division's reasoning behind the selection of the preferred permitting strategy and to establish specific requirements and stipulations that FFSL will utilize to implement the selected permitting strategy.

2.0 Selection of Criteria and Alternative Permitting Strategies

2.1 Sources of Information Used in Analysis

Utah Lake currently has no authorized private boat docks associated with an upland, adjacent property owner. Until recently, there has been little to no demand for such structures due to the absence of shoreline development for residential purposes. This differs significantly from Bear Lake where upland, adjacent property has been used for private residences for many decades and where the placement of private boat docks on the bed of Bear Lake has been historically prevalent. As a result, no precedence for use of sovereign lands for private boat docks has been established at Utah Lake. This unique situation provided FFSL an opportunity to conduct an analysis to determine if there were alternative permitting strategies to private boat docks that might be better suited for Utah Lake and its unique characteristics.

There were many factors considered in the development of the analysis and the ultimate selection of a permitting strategy. First and foremost is the Public Trust. As described in Section 2.8 of the ULMP, sovereign lands are to be managed by FFSL under the Public Trust Doctrine. The purpose of the Public Trust Doctrine as interpreted by the Utah State Legislature is to assure public access to navigable waters and lands for commerce, navigation, fishing and other broad uses such as swimming, recreational boating and preservation of lands in their natural state. The Utah State Legislature has further codified the Public Trust Doctrine to include multiple uses on sovereign land. Utah Code Title 65A, Chapter 2, Section 1 (UC 65A-2-1) states that FFSL shall administer state lands using multiple-use, sustained-yield principals. According to the ULMP, there is no hierarchy of uses protected under the doctrine. However, when there are competing public benefits, the public trust requires that those benefits that best preserve the purpose of the public trust under the circumstances be given a higher priority. The primary components of the Public Trust Doctrine were used to guide the selection of the criteria that were used to compare the alternatives.

Another important consideration was public sentiment towards private boat docks on Utah Lake. FFSL obtained public feedback regarding the proposed plan amendment by conducting numerous public meetings, including two scoping meetings as well as solicitation of online comments through the FFSL website. A significant majority of written comments received as well as statements made by the public at various public meetings were supportive of the authorization of private boat docks on Utah Lake. Many even suggested that boat docks be allowed with little or no standards regarding size or type of structure.

Subject matter experts within the Utah Lake Commission Technical Advisory Committee (TAC) as well as government agencies with regulatory authority at Utah Lake were also consulted during the development of the alternatives analysis. FFSL is required by statute and rule to consider many factors when evaluating proposed actions on sovereign lands, including impacts to wildlife, water quality, navigation, and other resources. FFSL often finds it necessary to consult with cooperating agencies that possess subject matter experts in these resource areas. As such, FFSL held two meetings with representatives from the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), Utah Division of Wildlife Resources (DWR), Utah Division of State Parks and Recreation (DSPR), Utah Endangered Species Program (ESP), Utah State Historic Preservation Office (SHPO), and the Utah Division of Water Quality (DWQ). In addition, presentations of the proposal to amend the ULMP were provided to the TAC to solicit feedback regarding possible alternatives and criteria that should be considered. The consensus opinion obtained from the cooperating agencies and a majority of the TAC members was one of concern regarding unfettered access to Utah Lake for private boat dock use. Most representatives indicated there should be some limit to the number and size of private docks at Utah Lake in order to minimize adverse impacts to natural and cultural resources as well as navigation. In addition, many different ideas for alternatives to private boat docks were presented, which was largely the basis for the alternative permitting strategies FFSL selected for further analysis.

FFSL often consults with managers of sovereign land programs in adjoining states to share information and ideas about effective land management strategies. FFSL consulted representatives of the sovereign land programs in Nevada, Idaho and Arizona to determine their management strategies concerning private boat docks on their sovereign land units. Based on feedback from these representatives, FFSL found that none of the sovereign land programs interviewed prohibit the placement of private boat docks on sovereign lands. According to the representatives, this is primarily due to the fact that deference is given to the implied littoral/riparian rights of adjacent, upland landowners to gain access to public waters by “wharfing out”, even when such littoral/riparian rights to wharf out are not explicitly stated in the state constitution. Even though landowners are viewed as possessing the right to “wharf out” in these states, each program does enforce strict limitations on the size, design, placement, and operation of private boat docks on sovereign lands.

Lastly, the Division's experience in regulating boat docks on other sovereign land units was instrumental in the development of criteria and alternatives. Private boat docks are currently permitted by FFSL on Utah's portion of Bear Lake. A significant proportion of upland, adjacent property along the western shoreline of Bear Lake is privately owned and has been used for agricultural and residential purposes since the late 1800s (Utah, 2009). Many of these landowners have utilized dock-type structures for private access to Bear Lake well before FFSL was granted regulatory authority for management of the bed of Bear Lake. Historically, permits for boat docks at Bear Lake were granted to an adjacent, upland landowner as long as they agreed to comply with basic requirements regarding spacing from adjacent property lines, adequate insurance coverage and standard easement stipulations. While FFSL acknowledges some benefits have been derived from this approach, mostly for the adjacent landowner, there have been many management challenges experienced by FFSL in implementing this strategy. Examples of these challenges include reduced navigability along the shoreline, potential dangers to boater safety from improper marking and lighting, perceived and real reductions in public access, widespread damage to shoreline habitat from use of vehicles to deploy docks, placement of unauthorized dock structures, and immense oversight burden to FFSL and other regulatory agencies.

FFSL utilized the data, opinions, observations and feedback collected from these various sources to develop the criteria by which alternative permitting strategies were compared and analyzed. The identification and description of these criteria are provided in the following sections.

2.2 Criteria Selected for Analysis

FFSL has to weigh many factors and considerations when deciding whether to permit a proposed action on sovereign lands. The installation of any temporary or permanent structure on sovereign lands may create a variety of beneficial and/or detrimental impacts. To attempt an accounting of impacts from various proposed alternative permitting strategies analyzed as part of the amendment process, FFSL developed a set of criteria that were used to compare and contrast the alternatives strategies.

Aggregation and analysis of the information provided by the sources described in Section 2.1 revealed ten criteria that were used to compare and contrast the various permitting alternatives. The first six criteria, listed in no particular order, include impacts to the following:

- Navigation and public safety,
- Shoreline habitat and vegetation,
- Water quality,
- Public access,
- Wildlife and endangered/threatened species,
- Threat of aquatic invasive species, and
- Cultural resources.

The three remaining criteria include:

- Administrative and financial burden,
- Capacity to address future demand, and
- Adjacent Landowner Costs and Ease of Accessibility.

Many of these criteria are important considerations for multiple regulatory agencies in addition to FFSL. For example, navigation and public safety are of upmost concern to DSPR while shoreline habitat, vegetation, and water quality are important considerations for DWR and DWQ. The importance of each criterion and justification for its inclusion in the analysis is provided below.

Navigation and Public Safety

There are many types of watercraft in use at Utah Lake at any give time of the year. Typical use includes kayaks, canoes, small fishing and pleasure boats, large power boats, and even some small commercial fishing vessels. Other activities such as water skiing, kiteboarding, and jet skiing are prevalent. Maintaining safe navigation for these various uses is one of the basic tenets of the Public Trust Doctrine and is critically important to FFSL. Unimpeded navigation and safety of those that use the lake are also important to other state agencies, particularly DSPR. DSPR not only manages Utah Lake State Park but also is responsible for enforcement of boating regulations and other law enforcement activities, search and rescue operations, and removal of navigational hazards at Utah Lake.

Shoreline Habitat and Vegetation

According to the ULMP, responsible shoreline management is imperative to preserve the ecological function of the shoreline and nearshore areas. Preserving the ecological function of these areas helps minimize or avoid flooding, protects valuable wildlife habitat (both aquatic and terrestrial) and wetland areas, and improves water quality. Maintaining existing areas of native vegetation is critical as a food source for wildlife and fish, habitat, and protection against erosion. Land Use Goal 4 – Land Acquisition and Management is identified as a high priority goal in the ULMP and as one of two goals that provide the greatest beneficial value when compared to all other goals. This goal encompasses acquiring shoreline, open space, critical lands, and wetland areas to protect them for public use and preservation of natural resources. FFSL has to evaluate potential impacts to shoreline habitat in the analysis of the alternatives. Other state and federal agencies are concerned with shoreline protection too, including the USACE, which has jurisdiction over wetland areas, and the DWR, which is concerned with the preservation of critically important habitat areas required to sustain healthy wildlife populations.

Water Quality

UAC R652-2-200 states that FFSL shall consider impacts to water quality when deciding what activities to allow on sovereign lands. Furthermore, Natural Resources Goal 7 of the ULMP is to achieve a state where the “lake features high quality water (chemically, biologically, and visually) that is free from

deleterious contaminants and suitable for its beneficial uses." Water quality is extremely important to recreational users as well as downstream users such as municipalities and irrigators. Short-term, adverse impacts to water quality from actions on sovereign lands are undesirable but may occasionally be unavoidable. However, FFSL must avoid authorizing uses that may create long-term, sustained degradation of water quality at Utah Lake.

Public Access

Like protection of navigation, ensuring adequate public access to sovereign lands is one of the fundamental principals of the Public Trust Doctrine. The ULMP also lists public access (Recreation Goal 1) as a high priority goal and states, "increased public access to Utah Lake was identified throughout the planning process as important to the public and the Commission members." According to the ULMP, many portions of the shoreline adjacent to sovereign lands at Utah Lake are under private ownership, so public access is already severely restricted compared to other public lands. Management decisions that minimize or avoid further restrictions to public access at Utah Lake are preferred.

Wildlife and Endangered/Threatened Species

Under UAC R652-2-200, FFSL must consider impacts to wildlife and habitat in its management decisions. Furthermore, UAC R652-70-200 allows FFSL to classify sovereign lands based upon their current and planned uses. Classifications 5 and 6 are intended to protect potential resource preservation options such as wildlife habitat. There are large portions of Utah Lake, particularly southern portions, managed as Class 5 and 6 areas according to the ULMP (see Figure 2.4 of the ULMP). In addition, Classification 4 allows FFSL to temporarily designate areas for resource inventory and analysis. Almost the entire northern shoreline is currently designated as Class 4 (see Figure 2.4 of ULMP). According to Natural Resources Goal 1, Objective N-1.1 of the ULMP, it is the desire of the Commission to establish a habitat buffer between Lindon Boat Harbor and Saratoga Harbor in this Class 4 area. Natural Resources Goal 1 also supports the expansion of existing wildlife protection areas in Goshen Bay, Benjamin Slough, Powell Slough and Provo Bay, and other goals in the ULMP indicate a desire to purchase existing private land for establishment of wildlife protection areas. Management decisions involving shoreline development at Utah Lake have to take into account the existing wildlife management areas as well as future plans for habitat acquisition. The preferred permitting strategy will minimize development of and impacts to existing wildlife habitat.

The ULMP indicates that there are many wildlife and plant species federally listed as threatened or endangered or listed by the state as Species of Concern. Some of the key species that are likely present or nesting within sovereign land boundaries include bald and golden eagles, migratory birds, the June Sucker, and Ute Ladies' Tresses. FFSL must consider impacts from any proposed shoreline development to these species in order to comply with existing state statutes and rules as well as federal regulations, including the Endangered

Species Act, Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Threat of Aquatic Invasive Species

The threat of aquatic invasive species at Utah Lake, particularly quagga and zebra mussels, is of paramount concern to FFSL and other regulatory agencies. The risk of introducing an invasive species is typically associated with the types of vessels being used and the proper inspection and decontamination of these vessels. But the type of access point used to launch the vessel can also affect these risks (Gunderson, 1994). Boaters launching vessels at a marina or other developed access area such as Utah Lake State Park often receive educational materials or see warnings regarding invasive species. This creates awareness among the boaters making it more likely that they will inspect and clean their vessels prior to launch. Many of these facilities may also encourage boaters by providing equipment and designated areas for decontamination of vessels further decreasing risks of species introduction. Boaters launching from an informal access point or from their private dock structure are much less likely to inspect their vessels and follow proper decontamination procedures (Gunderson, 1994). Threats arise from the types of dock structures used as well. Temporary floating docks may be used in multiple bodies of water due to their portable design. If not properly inspected and decontaminated, these structures could also serve as a conduit for introduction of aquatic invasive species.

Cultural Resources

In accordance with UAC R652-60 and UC 65A-2-2(1), FFSL must take into account the effect of sovereign land uses on any district, site, building, structure or specimen that is included in or eligible for inclusion in the State Register or National Register of Historic Places. Appendix C of the ULMP indicates surveys by archaeology teams from Brigham Young University demonstrate an abundance of cultural sites predating 1940 along the shoreline of Utah Lake. According to the ULMP, the northern shoreline is thought to have a prominence of cultural resources. Therefore, FFSL must consider potential impacts to cultural resources in its selection of a preferred permitting strategy for private access to sovereign lands of Utah Lake.

Administrative and Financial Burden

The administrative burden incurred from a management decision is an important consideration for FFSL given its limited staff resources and the fact that it manages over 1.5 million acres of sovereign lands. Allowing the development, use, and storage of any structure on sovereign lands requires direct oversight to ensure compliance with rules and regulations, public safety and stipulations of the permit. There are also administrative costs in reviewing applications and development of permits. FFSL is not the only agency impacted. Other agencies will incur additional administrative burden as well, which must factor into decisions regarding permitting strategies.

Capacity to Address Future Demand

It is likely that future demand for private access to Utah Lake from adjacent, upland property will only increase as more areas along the shoreline are developed for residential use. Therefore, the preferred permitting strategy must possess inherent flexibility, so that it can be deployed and easily implemented on any part of Utah Lake where potential development may occur. A strategy that is easily replicated on all areas of the lake is also important to other regulatory agencies that will assist FFSL in the implementation of the selected permitting strategy.

Adjacent Landowner Costs and Ease of Accessibility

The adjacent landowner costs takes into consideration the estimated dollar amount that an adjacent, upland landowner would have to pay to access the water with their boat or other recreational vessel. For example, it considers how much money an adjacent landowner would pay to moor their vessel at a managed mooring field versus the cost to access a public marina. Each alternative is rated as having no, low, average or high costs. Lower costs alternatives are preferred. This criterion does not consider ongoing costs such as maintenance, personnel, or operational costs, which are beyond the scope of this analysis.

The accessibility portion of this criterion evaluates the relative ease that an adjacent landowner will experience in accessing the water with their boat or other recreational vessel. It is assumed that an adjacent landowner will prefer to access the water from their own private property rather than trailer their boat to a marina or other access point. An alternative's accessibility is rated as having no accessibility, below average accessibility, average accessibility, or above average accessibility. An above average level of accessibility for the landowner is preferred.

2.3 Criteria Dropped from Further Consideration

There were two criteria dropped from further consideration in the amendment process. The criteria and the reasoning for their exclusion are described below.

Aesthetic Impacts

The aesthetic impact of an action is often subjective based on an individual's perspective and many other factors. For example, many previous surveys of public attitudes toward private boat dock structures on public bodies of water found conflicting public sentiment. Some respondents to the surveys felt that boat docks added to the aesthetic value of the shoreline while other individuals indicated that their presence detracted from the natural beauty and pristine view (Kelty & Bliven, 2003). According to Kelty and Bliven, many public agencies have spent a great deal of time and money conducting detailed public attitude surveys and visual impact assessments and have still failed to develop a clear consensus of attitudes regarding the aesthetic impacts of boat dock structures on public lands. For this reason, FFSL excluded the aesthetic impact criterion from further consideration.

Economic Impact to Adjacent Property

FFSL acknowledges the potential impact to property values of adjacent, upland parcels that could result from the implementation of many of the alternatives considered. However, determining this impact is complex, site specific, and difficult to ascertain without the benefit of detailed studies. Furthermore, FFSL has no statutory obligation to consider impacts to adjacent property values in its management decisions for sovereign lands. Therefore, FFSL has determined that consideration of impacts to adjacent property values is beyond the scope of this analysis.

2.4 Alternatives Considered

Similar to the process used in the establishment of criteria, FFSL used feedback and information gathered from the various sources described in Section 2.1 to develop four alternative permitting strategies for analysis as part of the amendment process. These four permitting strategies are summarized below.

Alternative 1: Private Boat Docks

Under the Private Boat Dock Alternative, FFSL would permit private boat dock structures on Utah Lake for each residential property owner successfully completing an application and providing sufficient evidence of ownership of adjacent, upland property. FFSL would allow the installation of portable/floating or fixed boat dock structures on sovereign lands at Utah Lake provided that the landowner meet basic spacing requirements from adjacent property lines (and inferred littoral lines), place the dock at a right angle to the shoreline and satisfy DSPRR requirements for marking and lighting (if applicable). This alternative would place no restrictions on size, design, appearance or material type of dock structure nor would it cap the number of docks allowed in a given area.

Alternative 2: Community Boat Docks

A community boat dock is a temporary, non-commercial structure that provides moorage facilities for more than two residential landowners or for a homeowners' association with adjacent, upland property. Community boat docks would afford property owners direct access to sovereign lands while reducing the number of installed structures on sovereign land. Under this alternative, a group consisting of three or more upland, residential landowners could form a "dock association" and submit an application for a community dock to FFSL. Members of a community dock association would not need to be immediate neighbors to one another. However, each member of the association would need to verify ownership of adjacent, upland property. In addition, a homeowners' association could also submit an application for a community dock provided the association demonstrates ownership of a common area that is located adjacent to sovereign lands. Community docks would be considered when adequate access is available, an appropriate sized site to support the dock exists, and there is a demonstrated need for moorage in an area with a land use classification suitable for development. Since vehicles are forbidden on the lakebed of Utah Lake under existing rule, FFSL would require docks to be launched at an approved, existing

boat ramp and moved into place by boat. Docks would have an operable window of April 30th through October 1st of each year. A cap on the number of total docks allowed in a given area would be required and stipulations regarding design, size, and material type of each dock structure would be enforced.

Alternative 3: Managed Mooring Field

FFSL would not allow private boat docks or similar structures on Utah Lake under this alternative. Instead, FFSL would work with an interested local government or private entity willing to develop a managed mooring field (MMF). An MMF is a mooring field that is enhanced by the addition of facilities to accommodate waste disposal from bilge pumps and other trash and is regulated by a designated harbormaster. Some MMFs also have showers, restrooms, small grocery stores, and fueling capabilities either located within the mooring field or on nearby upland property. Under this alternative, the MMF would be required to have a pumpout vessel rather than an upland pumpout station to manage disposal of contaminated bilge water, trash and other waste from boating activities. This minimizes the need for construction and buildings along the shoreline. The presence of a harbormaster would also be required to ensure enforcement of regulations and proper oversight. It is assumed that no "liveaboard" vessels would be allowed. A liveaboard vessel is a vessel docked at the MMF inhabited by one or more individuals. It is also assumed that there would be limited restroom facilities allowed with coldwater showers. However, no fueling stations would be allowed on any MMF on Utah Lake. The MMF would be required to provide moorage space for dinghies used by residents to transport them to the MMF from their private property.

The placement of the mooring field would be subject to land use classifications identified in the ULMP and a minimum number of landowners would need to participate in order for the mooring field to receive authorization from FFSL. The mooring field would be open to all members of the public but landowners demonstrating ownership of upland, adjacent property to the mooring field would receive priority during the allocation of mooring spaces. The lessee would be a local government or private entity, which would be responsible for maintenance, upkeep, and regulatory compliance of the mooring field. The management entity would be allowed to collect fees and generate a profitable income.

Alternative 4: State/Local Government Public Marina

Similar to the MMF Alternative, FFSL would not allow private boat docks or similar structures on Utah Lake under this alternative. Instead, FFSL would partner with local government entities through existing FFSL leasing mechanisms to construct and operate additional public marinas on Utah Lake. Marinas would be located where FFSL, local governments and other stakeholders have identified a need for additional access based on public feedback, field observations/data, and Commission input. FFSL would coordinate with the local government entity and the Commission to find funding sources for the construction of the marina. This alternative assumes that FFSL would provide some level of financial support subject to legislative approval for the construction

of the marina but not for ongoing operation and maintenance. The operation and maintenance of the marina would be the responsibility of the local government or private entity with logistical support from FFSL and other state agencies. The size of the marina would be based on estimates of demand and location. Under the marina lease agreement with FFSL, the local government entity would be allowed to charge sufficient fees for use of the marina. The marina would be open to the general public; upland, adjacent landowners would not be given priority over the general public, but they would be charged lower fees upon demonstrating adjacent landownership.

2.5 Alternatives Dropped from Further Consideration

After initial evaluation, the No Access Alternative was not considered further. This alternative forbids the placement of any private dock structure on Utah Lake by a residential property owner. Under this alternative, residential property owners would have to access Utah Lake by utilizing existing marinas or access points. This alternative was removed from further consideration for several reasons.

It is in the best interest of FFSL, existing lessees, landowners and the citizens of Utah that rules regulating the use of sovereign lands are implemented in a consistent manner. Currently, FFSL permits the placement of private boat dock structures on other sovereign land units it manages, including Bear Lake and the Green and Colorado Rivers. Private boat dock use on Bear Lake is prevalent and FFSL permits new docks each year. FFSL recognizes the unique characteristics of Utah Lake and the vast differences between the two resources; however, it would be difficult for FFSL to continue permitting boat docks at Bear Lake and deny such use at Utah Lake without a preponderance of evidence that such denial is justified.

In addition, the use of private boat docks on public lands is widely accepted by other state and federal agencies. FFSL could find no instance of an outright ban of private boat docks on any public submerged land in the Intermountain West other than those water bodies used as sources for public drinking water. All adjoining states, including Idaho, Nevada, and Arizona (Wyoming and Colorado have no designated sovereign lands), defer to the littoral rights of the adjacent landowner even in instances where the littoral rights are not defined in statute and rule. Therefore, all private, adjacent landowners in these states are viewed as enjoying the right to wharf out to access public waters. Subject to restrictions regarding size and design, private boat dock use is prevalent on Lake Tahoe, renowned for its natural beauty and aesthetics, outstanding water quality, and fragile shoreline ecosystem. Furthermore, the USACE allows private boat docks on nearly all lakes and waterways that they manage within the Walla Walla District, although they have moved towards the permitting of community docks and away from private boat dock use.

Lastly, the use of unauthorized private boat docks at Utah Lake has been historically documented by FFSL, DSPR, and other regulatory agencies. Even if FFSL prohibited the use of private boat docks on Utah Lake, it is inevitable that

their unauthorized use would continue, particularly in the absence of a viable alternative providing relatively easy access for landowners to their vessels. Furthermore, as residential development continues along the shoreline this problem would only be exacerbated. The administrative burden on FFSL and DSPR as well as the potential damage and negative impacts to shoreline habitat, water quality, wildlife, navigation and public safety is much worse under an unregulated use scenario. FFSL believes that overall negative impacts to the lake's natural resources will be greatly reduced by implementing a permitting strategy that is supported by a majority of property owners as well as their local governments.

3.0 Analysis of Alternatives

FFSL used the established set of criteria to compare and contrast the four alternatives to determine the desired permitting strategy. Readily ascertainable sources of research data were used to estimate the performance of each alternative against the criteria when possible. In addition, FFSL utilized anecdotal observations and experiences gathered from its long-term management and oversight of sovereign lands and associated natural resources to estimate potential impacts.

Simple qualitative scales were established to provide some measure to compare the performance of each alternative against the criteria. Impacts to natural and cultural resources are estimated as having a major, moderate, minor, or negligible impact. Positive impacts are considered the same as negligible impacts for the purpose of this analysis. A negligible or positive impact is preferred. When costs are considered the alternative is estimated as having one of the following: 1) high costs, 2) moderate costs, 3) low costs or 4) no costs. No costs or low costs are always preferred. Lastly, capacity is measured as high capacity, medium capacity, low capacity or no capacity. An alternative with a high capacity is desired.

It is imperative to note that these qualitative assessments of the performance of each alternative are estimates based on the best available information and knowledge gained from the experiences of FFSL and other sovereign land programs in adjoining states. Most studies on the impacts of shoreline development and marine recreation have focused on coastal environments and do not generalize well to inland lakes and reservoirs (Kelty & Bliven, 2003).

Section 3.1 provides a summary of the performance of each alternative against the selected criteria.

3.1 Evaluation of Alternatives

3.1.1 Alternative 1: Private Boat Docks

Overall, the Private Boat Docks Alternative performs poorly against all criteria. This alternative may cause significant adverse impacts to shoreline habitat and

vegetation as well as wildlife and threatened/endangered species. The risk of aquatic invasive species introduction is also much higher when compared to the other alternatives. The limitations on public access to the shoreline and dangers posed to safe navigation are major drawbacks. FFSL is also concerned about the effect on Division resources resulting from the administrative burden created by this alternative. A detailed examination of its performance against the established criteria is provided below.

Navigation and Public Safety

Major Impact. It is reasonable to assume that, with no restrictions on length, size, spacing or design of docks, some landowners are going to construct structures that will interfere with navigation. A high density of docks can make it difficult for boaters to access their own slip. Long docks force small boats out into deeper and sometime more turbulent waters creating safety issues. Long docks and piers can also interfere with activities on the water such as boat racing, sailboarding and fishing (WDNR Shoreline Management Plan, 2011). A dock length exceeding 20 percent to 25 percent of the total distance across a water body will impede navigation (Kelty & Bliven, 2003), and it is well established that even small docks, particularly with canopy or deck structures, impair the line of sights necessary for safe navigation (Kelty & Bliven, 2003).

Shoreline Habitat and Vegetation

Major Impact. Long-term impacts to shoreline habitat are associated with dock use (WDNR Shoreline Management Plan, 2011). When owners install docks they also tend to clear shoreline vegetation and alter lakebeds through placement of rocks, sand or other materials on the bed even when restrictions prohibiting such actions are in place. In addition, shading of near-shore, aquatic vegetation by docks is well documented. It is speculated that shading can diminish the viability of many native species of aquatic vegetation and fish by decreasing the amount of aquatic vegetation and altering temperature regimes, which negatively impact sensitive fish species (Kelty & Bliven, 2003). Finally, the shading effect during the day combined with the artificial light present on many of these structures at night can alter feeding, predator avoidance and other behaviors of fish (Johnson et al., 2008).

Water Quality

Moderate Impact. The leaching of preservatives applied to pilings or floats used to construct dock structures causes a direct impact to water quality. Currently, the most commonly used preservative for residential docks is wood pressure-treated with a CCA, or chromated copper arsenate (Kelty & Bliven, 2003). Contaminants leach out of the wood and are taken up by aquatic vegetation, benthic organisms, and even humans ingesting water that recreate near the docks (Weis & Weis, 1996). In addition, residential docks are directly associated with increases in near-shore boat traffic. Boat traffic in shallow areas is known to cause erosion of the shoreline and the resuspension of sediments from the lakebed (Crawford et al., 1998). Private boat docks are also associated with increased water quality impacts from trash, petroleum products and human

waste because they often contain no designated location for vessel pump out or trash disposal. Improper disposal of bilge water, trash and other waste has been clearly associated with private dock use on many lakes (Kelty & Bliven, 2003).

Public Access

Major Impact. The construction of private docks across public trust lands such as Utah Lake affect the ability of the general public to exercise their right to use of these trust lands by limiting or preventing access for fishing, nearshore navigation, aquaculture, or simply walking along the beach or shoreline (WDNR Shoreline Management Plan, 2011). FFSL has first-hand experience with the conflicts that arise with the permitting of private structures on sovereign lands and the limits to public access that the widespread use of private boat docks typically incurs.

Wildlife and Endangered/Threatened Species

Major Impact. The June Sucker is currently present in areas of the lake that are restricted to development with special considerations, so impacts from the construction of private boat docks to the June Sucker could be well regulated and are not likely. However, according to the ULMP, Ute Ladies' Tresses are present in many wetland areas along the shoreline of the lake, particularly along the east and north shores of the lake. Without proper oversight, construction of boat docks and clearing of vegetation along the shoreline for access to the docks could directly impact Ute Ladies' Tresses or suitable habitat. In addition, construction and installation of boat docks would create temporary impacts to surrounding wildlife while more permanent impacts would result from clearing of vegetation along the shoreline for dock access (Kelty and Bliven, 2003).

Threat of Aquatic Invasive Species

Major Impact. As indicated previously, the use of informal or private access points to waterbodies such as private boat dock structures increases the risks associated with introduction of aquatic invasive species when compared to other access alternatives such as marinas. Prior research by other parties has clearly demonstrated that providing signage, educational materials and designated inspection and decontamination stations reduces the overall threat of aquatic invasive species introduction by boaters (Gunderson, 1994). Only well developed access areas such as public/private marinas and state parks are likely to offer these tools to combat the introduction of invasive species. Boaters using private access points such as private boat docks are much less likely to properly inspect and decontaminate their vessels prior to launching. Therefore, private boat docks are seen as significantly increasing the potential for introduction of aquatic invasive species.

Cultural Resources

Moderate Impact. According to the ULMP, historic use of the area within and around Utah Lake by humans dates back thousands of years. Cultural or historically significant resources may be present in any area of the shoreline and nearshore area. One example is the irrigation canal located along the northwest

shoreline of the lake. Based on its age, historic use and other factors, the canal may be considered a historically significant resource by SHPO and other regulatory agencies. Construction of docks and associated access points may be problematic in the area of the canal without proper clearances from regulatory agencies and mitigation of detrimental impacts. Unmitigated construction and use of private boat docks along the shoreline of Utah Lake poses a significant risk of adverse impacts to cultural resources.

Administrative and Financial Burden

Major Impact. It is well established that private docks greatly increase management and administrative burdens on public land management agencies. The increased demand for permitting, inspection, environmental monitoring and law enforcement as a result of private boat dock use on public lands can greatly increase budgetary and staffing needs for the responsible regulatory agency (New Mexico, 2010). In addition, an enormous financial burden could arise if there is a future need to remove docks due to natural resource, public safety or navigational concerns.

Capacity to Address Future Demand

Low Capacity. This is not an alternative that can be easily replicated on many areas of Utah Lake without incurring significant adverse impacts to natural resources, navigation, public access and safety. In addition, the unrestricted development of the shoreline with private boat docks may significantly increase the administrative burden for many regulatory agencies, thereby potentially limiting the capacity to address future demand.

Adjacent Landowner Costs and Ease of Accessibility

High Costs and Above Average Accessibility. In contrast to the Public Marina Alternative or Managed Mooring Field Alternative, which lack capital costs for the adjacent landowner, the construction of a private boat dock will require significant capital costs. The capital costs can vary greatly for private boat docks depending on many factors such as size, design, construction materials, location, amenities (such as lifts) and number of slips. Assuming the dock is constructed to last more than several years, prices can range anywhere from $2,000 for a small, do-it-yourself project to well over $100,000 for upper end docks with lifts and elaborate designs. However, the use of private docks does provide the best accessibility of the alternatives considered since the adjacent landowner has immediate access to the water from their private property.

3.1.2 Alternative 2: Community Boat Docks

Potential impacts to the established criteria from community boat docks are similar to the impacts indentified in the analysis of Alternative 1: Private Boat Docks since the type of structure to be used is the same albeit with variations in size, design, and placement of the structures. However, the magnitude and area of potential impacts from community boat docks are orders of magnitude lower when compared to the relatively unrestricted use of private boat docks. This is particularly true if the community boat dock alternative, as proposed, is

implemented with strict limits on size, design, location, and other requirements. Whereas private boat docks are likely to incur significant, adverse impacts to navigation, public safety, shoreline habitat and vegetation, public access, and aquatic species, it is likely that community boat docks would incur only moderate to minor impacts on these resources. A primary reason that this reduction in impacts is anticipated arises from the fact that significantly fewer structures will be allowed under a community boat dock scenario. A secondary reason is that strict limits on design, construction materials, size and location will be implemented. Less impacts to water quality and cultural resources are also likely for the same reasons.

The only criterion in which potential impacts from community boat docks are not reduced when compared to Alternative 1 is the threat of aquatic invasive species. Higher risks of invasive species introduction are associated with utilization of private access points such as private boat docks. Further increasing this risk is that, under this alternative, the use of portable dock structures is mandatory. Because of their portable design, these docks may be used in multiple water bodies. If they are not properly inspected and decontaminated prior to launching in Utah Lake these structures could present the same risks as contaminated boats and other vessels. Therefore, the community boat dock alternative is rated as having a major impact on the threat of aquatic invasive species introduction.

Experiences from other management agencies implementing community boat dock strategies clearly demonstrates that they are easier to administer, create less overall shoreline disturbance, and are less likely to impede navigation or public access than unrestricted private boat dock use (New Mexico, 2010). Research by Kelty and Blevin (2005) indicates there may be positive effects on aesthetics values from community docks because they tend to be less intrusive and take up less shoreline. In addition, the community boat dock approach has the potential to be easily replicated to meet future demand on other parts of the lake due to the inherent reductions in area of impact and disturbance, lessened environmental impacts, and decreased administrative burden on the Division.

One of the primary benefits for the adjacent landowner of the community dock system is that it provides for cost-sharing in the construction, installation and maintenance of a dock system and still provides the benefits of immediate access to the water and boat from private land. Often, multiple landowners pooling their financial resources will be able to afford a better quality dock for a lower price than if each landowner were to purchase or build a dock on their own.

Castellan (2005) describes community docks as a preferred management tool for mitigating the impacts of private boat docks. The USACE now utilizes community boat docks as its preferred method for allowing private access to lakes and riparian areas that it manages in many of its districts (USACE, 1999). Adjoining states such as Idaho are also beginning to implement community boat dock permitting strategies on sovereign lands to satisfy requests for private access by upland adjacent landowners.

3.1.3 Alternative 3: Managed Mooring Field

The MMF Alternative is favorable because of its relatively reduced impacts to shoreline habitat, wildlife and threatened/endangered species, water quality, and cultural resources. This is due in large part to the lack of extensive shoreline development; however, there are significant drawbacks as well. A MMF may adversely impact navigation in the open waters of Utah Lake, and the capital costs associated with development of an MMF are high. Finding a local government or private entity willing to incur these high capital costs may prove to be the biggest challenge with implementing an MMF alternative. There are also concerns over impacts to public access and recreation. A large mooring field may limit or prevent many recreational uses in the area in which it is situated, including unrestricted fishing, swimming, water skiing, jet skiing, and other activities.

Navigation and Public Safety

Major Impact. For mooring fields to function properly adequate space must be provided between each buoy. This means even a small mooring field requires a relatively large amount of area. In areas like the northern part of Utah Lake where the width between shores is smaller a mooring field would likely interfere with navigation, particularly for activities associated with water skiing and personal watercraft such as jet skiing. Additionally, a considerable no-wake zone is required around mooring fields further limiting these recreational activities.

Shoreline Habitat and Vegetation

Minor Impact. One of the primary benefits of a mooring field is the lessened impact on shoreline habitat (Fitzpatrick, 2013). As proposed in the alternative, there would be little infrastructure needed onshore for the operation of the MMF. The only likely source of possible shoreline impacts involves use and storage of dinghies by adjacent landowners to access the MMF. A small amount of area may be required for the installation of associated infrastructure such as utilities needed for operation of the MMF. However, it is anticipated that these shoreline impacts would be minor compared to the other alternatives considered. In addition, there are no concerns with shading of shoreline and near-shore aquatic vegetation resulting from an MMF.

Water Quality

Minor Impact. If managed properly, MMFs have been shown to drastically reduce overall impacts to water quality when compared to docks and piers, particularly if they have the capacity for waste disposal (USEPA, 2013). MMFs also reduce or eliminate many of the water quality impacts from near-shore boating activity associated with docks and piers, which can include anchor drag, propeller dredging, sediment scouring, illegal disposal of waste, fuel spills/leaks, and wave erosion. Temporary increases in turbidity are possible in the immediate project area during installation of the mooring buoys but this impact is minor and short-term in duration.

Some scouring of the lakebed from movement of anchor chains across the bed is possible; however, newer designs for buoy anchoring systems have been effective in reducing or eliminating this impact.

Public Access

Major Impact. An MMF eliminates many of the concerns related to public access along the shoreline that emanates from private boat docks, marinas and similar shoreline structures. However, public access for fishing, swimming, or other water-based activities within MMF areas may be restricted or limited due to public safety concerns and other considerations. MMFs may occupy large areas depending on the number of moorings and types of vessels moored. Removing a large area of the lake from recreational uses would be problematic regardless of the reduced impacts to shoreline access.

It should be noted that the public would have the ability to moor vessels at the MMF but priority would be given to adjacent, upland landowners.

Wildlife and Endangered/Threatened Species

Minor Impact. An assessment of minor impacts assumes that an MMF would not be allowed within an area currently inhabited by the June Sucker or in June Sucker spawning areas. If such a project was allowed it is assumed that stipulations would be enforced that would limit potential impacts to the June Sucker. Threatened, endangered or sensitive shoreline species such as the Ute Ladies' Tresses and migratory birds are not likely to be impacted since there is limited, if any, shoreline development associated with the proposed MMF.

Threat of Aquatic Invasive Species

Moderate Impact. A managed mooring facility has the means to disperse educational materials and provide signage regarding aquatic invasive species to boaters, which could reduce risks associated with invasive species introduction. The MMF will also provide designated areas for disposal of bilge and live well wastewater, and the presence of a harbormaster may assist in reducing potential risks as well. However, an MMF is unable to monitor or control the launching of vessels from the shoreline where the greatest risk for introduction of invasive species is present. Therefore, an MMF is viewed as having a moderate adverse impact to the threat of aquatic invasive species. It has lower risks than those posed by private boat dock use but, because it lacks oversight and control of shoreline access, it has higher risks than that of a marina.

Cultural Resources

Minor Impact. The footprint of disturbance for a typical MMF is very limited and is confined to the space needed to anchor buoys to the bed (Van Breda, 1992). The only lakebed disturbance consists of auguring a hole for the installation of an anchor pin that is cemented into place. A typical anchor requires a hole that is two feet in diameter (Van Breda, 1992). While it is possible that a cultural resource could be impacted during the placement of an anchor, it is highly unlikely due to the extremely limited footprint. Associated structures such as restrooms or a harbormaster's quarters could require pilings but the footprint for

the pilings is similar to that for the anchor pins. Due to the lack of extensive shoreline development significant impacts to cultural resources is unlikely.

Administrative and Financial Burden

Moderate Impact. Compared to the Private Boat Dock Alternative, the ongoing administrative costs and financial burden to FFSL and other regulatory agencies associated with a MMF are much lower and are probably similar to the administrative costs associated with the Community Boat Dock Alternative. Moderate impacts are anticipated due to short-term but significant administrative costs associated with issuance of the permit as FFSL would permit a MMF under a General Permit or Special Use Lease. These permits/leases can be very time consuming to prepare and take months to complete. Oversight of the lease would involve field inspection, monitoring of records, and accounting actions related to lease and royalty payments. While FFSL would receive an annual rental for the lease, any financial benefit to FFSL is considered negligible based on the costs of administrating the lease.

Capacity to Address Future Demand

Medium Capacity. Replicating the MMF alternative on different parts of the lake would be possible except in areas with restrictions on development such as Provo Bay. The major impediment to additional MMFs would be the adverse impacts to recreation and public access that are created by the establishment of a MMF area. Limiting the size of the mooring field and establishing acceptable locations prior to construction could negate some of these adverse impacts.

Adjacent Landowner Costs and Ease of Accessibility

Medium Costs and Average Accessibility. The average costs to a boat owner for rental of a mooring buoy ranges between $5 and $12 per day based on a review of various mooring fees in neighboring states (no MMFs were in operation within Utah for comparative purposes at the time of this analysis). Fees depend on size and length of stay though discounted prices are typically available for monthly and seasonal rentals. Seasonal rates vary between $1,000 and $2,000.

The MMF is considered as having good accessibility. Although the adjacent landowner does not have immediate access to their boat from their private property, they can quickly access their moored boat by using their personal dinghy or similar non-motorized vessel.

3.1.4 Alternative 4: Public Marina

The positive characteristics of a public marina include its low costs for the adjacent landowner (the lowest of all alternatives considered), relatively little overall impact to public access, reduced risks of aquatic invasive species introduction relative to the other alternatives, and minimal adverse impact to navigation (since most features are located onshore). However, the Pubic Marina Alternative performs poorly against many of the other criteria. Significant short-term and long-term impacts to shoreline habitat, wildlife, cultural resources and water quality are associated with the construction and operation of marinas. In

addition, the capacity to replicate the alternative to meet future demand is very limited due to funding constraints and the lack of capacity of many local governments to operate a marina. It also rates low in adjacent landowner accessibility since the landowner would be required to trailer their vessel to access the water.

Navigation and Public Safety

Minor Impact. The construction of jetties or breakwaters can alter the patterns of eddies and flow and can change the velocity of the currents in a water body (Coast & Harbor, 2010). However, the changes are typically noticeable due to large-scale projects and sometimes the changes can be beneficial. For example, velocities of currents may be reduced or eddy patterns altered such that safe navigation is enhanced. Furthermore, with enforcement of existing regulations regarding proper marking of jetties, breakwaters, and other navigational hazards associated with marinas, potential adverse impacts to safe navigation could be minimized.

Shoreline Habitat and Vegetation

Major Impact. The construction of marinas requires the replacement of natural habitat with hardened structures such as concrete bulkheads, jetties, boat ramps, and associated facilities. These structures provide relatively few, if any, ecological functions and can have detrimental impacts even to aquatic communities located outside the footprint of the marina (Johnson et al., 2008). Due to the high potential for negative impacts from these types of structures, UAC R652-70-1700 limits their construction by stating, “breakwaters and jetties will not be authorized below the normal low water mark without a showing of extraordinary need.”

Shoreline armoring is also common in marinas. The armoring process simplifies habitat and affects the behavior and distribution of near-shore aquatic species. Many marinas also utilize large docks or pier structures. As previously discussed under the Private Boat Dock and Community Boat Dock alternatives, these overwater structures can create shading impacts that decrease submerged aquatic vegetation, alter temperature regimes and even adversely impact the feeding and predator avoidance behaviors of fish.

Frequent dredging is required to maintain safe navigation in and around marinas as well. Dredging of the lakebed is often associated with significant adverse impacts to benthic organisms, fish habitat and aquatic vegetation (Johnson et al., 2008). Dredging activities on sovereign lands are currently limited to those that are deemed reasonably necessary by the Director as stated in UAC R652-70-1300. While dredging to maintain a marina may be considered reasonably necessary, its use is limited due to the many negative impacts resulting from dredging activities.

Water Quality

Major Impact. Significant water quality impacts are likely during construction of the marina. Even with erosion control best management practices in place, some

erosion of topsoil into the lake is likely. In addition, the construction of bulkheads, jetties and breakwaters will cause temporary dramatic increases in suspended solids and turbidity (Johnson et al., 2008). Increases in suspended solids and turbidity have profound adverse impacts on aquatic vegetation and benthic habitats including lower levels of dissolved oxygen, reduced light transmittance, reduced egg buoyancy, and respiration of fish (Johnson et al., 2008). Structures such as jetties and breakwaters have also been shown to cause beach and shoreline erosion to areas that are down current from the structures (Williams and Thom, 2001).

Long-term negative impacts to water quality from marinas are also well established. Marinas typically incorporate surfaces covered with pavement or concrete. This increase in impervious surface creates stormwater runoff. The stormwater runoff picks up contaminants such as residual fuel, cleaning chemicals, and trash as it travels over these impervious surfaces and carries these contaminants directly to the lake. Furthermore, marinas often decrease water circulation by creating "water traps" that accumulate contaminants and nutrients introduced by the stormwater runoff (Johnson et al., 2008). Marinas also create concentrated areas of impact. Rather than dispersing impacts like boat docks scattered along a shoreline, marinas aggregate the impacts into a smaller area resulting in increased severity of impacts (Johnson et al., 2008). Many common marina activities are also associated with a decline in water quality including vessel refueling, engine repair, wastewater handling, and boat cleaning and general maintenance (Amaral et al., 2005).

Public Access

Negligible Impact. Under the proposed alternative the public would have equal access to the marina for mooring of their private vessels. Therefore, the marina would enhance public access to the lake for general boating and recreational users. In addition, since the marina would likely be operated and funded by a government entity, public access to the shoreline, jetties, and breakwaters for fishing or other activities would not be restricted as long as public safety is not jeopardized.

Wildlife and Endangered/Threatened Species

Moderate Impact. It is assumed that construction and operation of the marina would be conducted in compliance with the best management practices suggested by the Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration (NOAA). However, even when implementing these EPA and NOAA standards, marinas can still be expected to have a moderate, adverse impact to wildlife from the hardening of the shoreline, removal of native vegetation and trees, and removal or reduction in aquatic vegetation. Noise from equipment and boats also have adverse impacts to fish and shoreline wildlife such as migratory birds and mammals (Johnson et al., 2008). Wetland areas along the shoreline may also be destroyed from construction of a marina. While these impacts require mitigation, successful replication of wetlands along other shoreline areas of Utah Lake may prove difficult. In addition, it is possible

that mitigation wetlands may be constructed in areas other than the Utah Lake ecosystem, which provides little benefit for wildlife immediately surrounding Utah Lake. The authorization for construction of a marina within June Sucker habitat is unlikely but impacts to other threatened and endangered species such as the Ute Ladies' Tresses might be unavoidable. The only reason that FFSL does not assume a major impact to wildlife and T&E species from the construction and operation of a marina is because the length of shoreline disturbed can be limited and concentrated to one area, whereas impacts from boat docks under Alternative 1 and to some degree Alternative 2 are likely to be more widespread and dispersed along a greater area of the shoreline. In addition, this analysis does not consider the cumulative effects of construction of multiple marinas along the shoreline.

Threat of Aquatic Invasive Species

Minor Impact. A public marina has the lowest potential for introduction of aquatic invasive species of the four alternatives considered as part of this analysis. This is primarily based on the fact that a marina has several characteristics that other alternatives lack. First, a marina has the ability to educate boat users by providing signage and dissemination of educational brochures and other materials. Second, it has the capability to provide a designated inspection and decontamination area encouraging boat users to voluntarily inspect their vessels. Lastly, regulatory agencies can easily monitor and provide oversight of vessel launching. These three tools have been shown to reduce the threats associated with aquatic invasive species when compared to launching of vessels at informal or private access points.

Cultural Resources

Major Impact. It is difficult to estimate impacts to cultural resources without an identified location for the marina. But based on the prevalence of historical uses along the Utah Lake shoreline identified in the ULMP, it is reasonable to assume that at least a minor impact is likely and the potential for major impacts are possible. Unlike some of the other alternatives considered, the construction of a marina requires extensive removal of topsoil and significant disturbance to the subsurface for the placement of parking lots, buildings, utilities, jetties and the dredging of channels and mooring areas. This significant subsurface disturbance increases the probability that archaeological resources would be impacted.

Administrative and Financial Burden

Moderate Impact. There are both short-term and long-term administrative and financial impacts to consider. In the short-term the alternative would incur moderate administrative impacts to FFSL from the personnel and time required to complete the permitting process. The permitting process would be relatively complex and would require months of staff time to complete. In addition, assuming that FFSL assists in partial funding of construction costs, a moderate but short-term financial burden would be incurred by FFSL. Long-term administrative costs would be incurred due to the need for inspection, oversight, and administration of the lease and royalties. The long-term financial burden by

FFSL would likely be minor since operation and maintenance costs would be paid by the marina owner/operator. FFSL would collect annual revenue from the lease but any financial benefit to FFSL is likely to be negligible based on the costs incurred from administering the lease.

Capacity to Address Future Demand

No Capacity. It is highly unlikely that this alternative could be replicated on other areas of Utah Lake. This is largely due to the proposed funding mechanism, which assumes that FFSL and local government entities are responsible for capital and operational costs associated with the marina. This alternative is only feasible in limited instances where a local government has the political, financial and administrative resources to implement such an alterative. Since many areas of the shoreline and adjacent upland property are located in unincorporated areas the funding scenario proposed in the alternative would be impossible to replicate on many parts of the lake. Lastly, because a public marina would be required to allow use by the general public, the capacity to accommodate all future demand for access from adjacent landowners is unlikely.

Adjacent Landowner Costs and Ease of Accessibility

Low Costs, Below Average Accessibility. The public marina considered in this analysis is the lowest cost alternative considered for an adjacent landowner. Assuming pricing would be similar to that of comparable marinas, such as Saratoga Springs Marina, seasonal passes would cost $50 to $75 per season. However, ease of accessibility to the water by the adjacent landowner is also low. Unlike the other alternatives considered, the adjacent landowner would have to trailer their boat to the marina instead of having direct access to the water from their property.

4.0 Preferred Permitting Strategy

Table 4-1 provides a basic quantitative summary of the comparison of alternatives based on the criteria provided in the previous section. The quantitative analysis reveals that Alternative 2: Community Boat Docks is the preferred permitting strategy. The community boat dock approach scores well in almost every category except for administrative burden, adjacent landowner costs and threat for aquatic invasive species introduction. While the administrative burden in implementing a community boat dock approach is considered moderate none of the other alternatives considered were found to be any less burdensome. As for adjacent landowner costs, the costs are considered high because of the potential expenses required to construct and install the community boat dock. However, as mentioned previously, these costs are shared among landowners resulting in lower costs than if the landowner constructed their own dock. Furthermore, it is assumed that the adjacent landowner would willingly pay higher costs to have immediate access to Utah Lake from their private property or that of a nearby neighbor. Lastly, the community boat dock scenario does incur risks associated with introduction of invasive species but

these risk are inherent in boating and recreational uses and can be minimized through public education campaigns.

The community boat dock approach is desirable because it has a high capacity for meeting future demand for private access, affords an above average level of accessibility for adjacent landowners, and has relatively minor impacts to cultural and natural resources when compared to the other alternatives. The community boat dock strategy is viewed by FFSL as a balance between affording adjacent private landowners direct access to the water and minimizing adverse impacts to the shoreline habitat as well as natural and cultural resources. FFSL believes that this permitting strategy is consistent with rule, statute, the ULMP and the mandate to manage sovereign lands under multiple-use, sustained-yield principals. By implementing a community boat dock permitting strategy that is built upon rigorous standards and stipulations regarding their use, FFSL has concluded that private access to Utah Lake can be accommodated while preserving the essential components of the Public Trust Doctrine, namely preservation of navigation, commerce and public access.

Section 5.0 outlines the specific stipulations, standards and requirements of the community boat dock permitting strategy and how FFSL intends to implement the strategy.

Table 4-1. Quantitative Comparison of Alternatives

		ALTERNATIVES			
		Alternative 1: Private Boat Docks	Alternative 2: Community Boat Docks	Alternative 3: Managed Mooring Field	Alternative 4: Public Marina
CRITERIA	Navigation/Public Safety	0	2	0	2
	Shoreline Habitat/Vegetation	0	2	2	0
	Water Quality	1	2	3	0
	Public Access	0	2	0	3
	Wildlife/T&E	0	2	2	1
	Cultural Resources	1	2	2	0
	Aquatic Invasive Species	0	0	1	2
	Administrative/Financial Burden	0	1	1	1
	Capacity for Future Demand	1	3	2	0
	Landowner Costs	0	1	1	2
	Landowner Access	3	3	2	1
TOTAL SCORE:		6	20	16	12

Rating System:

For Capacity to Address Future Demand:

High Capacity =	3
Medium Capacity =	2
Low Capacity =	1
No Capacity =	0

For Landowner Accessibility:

Above Average Accessibility =	3
Average Accessibility =	2
Low Accessibility =	1
No Accessibility =	0

For Landowner Costs:

No Costs =	3
Low Costs =	2
Medium Costs =	1
High Costs =	0

For All Other Impacts:

Negligible/Positive Impacts =	3
Minor Impacts =	2
Moderate Impacts =	1
Major Impacts =	0

5.0 Implementing the Permitting Strategy

The permitting procedures for community boat docks will comply with existing permitting procedures required by rule. Refer to Appendix D of the ULMP for a detailed summary of the FFSL permitting procedures and process. This section is intended to outline the specific requirements, stipulations, and limitations that FFSL will utilize to implement the community boat dock permitting strategy.

5.1 Definition of Community Boat Dock

FFSL defines a community boat dock as a private, temporary, non-commercial structure that provides moorage facilities for pleasure/recreational watercraft for more than two (2) but no more than five (5) adjacent, riparian/littoral property owners, or for a homeowners' association that possesses a common area that is adjacent to sovereign lands. The imposition of a fee for the maintenance or use of a community boat dock by owner-members or members of a homeowners' association served by a community boat dock will not result in the boat dock being characterized as a "commercial" entity.

5.2 Who May Apply

Only adjacent, upland property owners or a homeowners' association with an adjacent, upland common area to Utah Lake may apply to FFSL for a community dock permit. Each participating landowner or landowners' association will be required to submit proof of legal landownership before the application will be considered by FFSL. Members of a community dock association do not need to be immediate neighbors to one another to form an association but all members must provide proof that they are adjacent, upland property owners on Utah Lake.

In areas of Utah Lake where a public trail corridor is located between the upland landowner and the sovereign land boundary, the landowner will be considered an upland, adjacent landowner for purposes of permitting the use of community docks. However, the applicant must provide a copy of an executed easement, right of way, or other instrument demonstrating authorization to cross the public trail for access to the shoreline for installation, use and maintenance of the community dock. Construction of the dock shall not impact the public trail corridor.

Most residential landowners along the shoreline of Utah Lake own less than 100 linear feet of shoreline frontage. However, some landowners along the southwest and eastern portions of Utah Lake own large parcels with thousands of feet of shoreline frontage along the lake. If these landowners were to form a community boat dock association with adjacent landowners, they may be forced to walk great distances to access their dock, thereby negating one of the benefits of the community boat dock approach. Therefore, FFSL will exempt landowners from the community boat dock requirement in cases where the landowner can demonstrate ownership of a single parcel with 2,000 or more linear feet of shoreline frontage or ownership of multiple, contiguous parcels with 2,000 or

more linear feet of shoreline frontage. However, these landowners will only be allowed to own, operate and maintain one dock at Utah Lake. Any docks authorized under this special circumstance will be subject to the same construction stipulations and permitting requirements as community docks. Furthermore, if the parcel or parcels subject to the authorization are subdivided at any time in the future, the applicant will be required to submit an application to FFSL to amend the authorization requesting that it be converted to a community boat dock permit. Any parcels adjoining sovereign lands that are subdivided will be subject to the community boat dock permitting requirements set forth in this CMP amendment, rule, code and statute.

In addition, FFSL acknowledges other situations may arise preventing the creation of community boat dock associations. For example, a landowner may be unable to find adjacent landowners willing to enter into a community boat dock association. In other cases, adjacent property owners could be local, state, or federal government agencies or private entities that are legally prevented from entering into community boat dock association agreements. Under these extenuating circumstances, FFSL will consider applications for the placement of boat docks on Utah Lake from single landowners without requiring the landowner to be part of a community boat dock association. Any authorization granted to a single landowner for a boat dock will be on a temporary basis and will be amended to a community boat dock permit as conditions allow. The applicant will have to provide written documentation demonstrating that the adjacent landowners are unwilling or unable to enter into a community boat dock association. In cases where adjacent landowners are legally able but unwilling to enter into a community boat dock association, the applicant will need to provide written documentation signed by the adjacent landowners verifying that they have rejected the request to enter into a community boat dock association agreement. Any docks authorized under these extenuating circumstances will be subject to the same construction stipulations and permitting requirements as community docks. Furthermore, docks constructed under this scenario will also be subject to maximum density requirements set forth by FFSL. The Division will consider such applications on a case-by-case basis. The presence of this extenuating circumstance does not provide any guarantee or right to the landowner to construct a boat dock. As conditions such as occupancy of adjacent land or changes in ownership of adjacent land occur, FFSL will amend the single landowner authorizations to convert them to community boat dock permits. FFSL will also review such authorizations annually to ascertain the need for amendment.

An application form for the placement of boat dock structures on sovereign lands of Utah Lake will be made available on the FFSL website or by hardcopy upon request to FFSL. A draft application form has been included in Exhibit A for reference. An executed, signed and notarized copy of a community boat dock association agreement must be submitted with the application for those applicants that are not members of a homeowners' association. The agreement must, at a minimum, include the notarized signatures of all participating landowners and state that they are entering into an agreement to operate and

maintain a community boat dock structure. The application must also contain design details and drawings of proposed dock structure. Other supporting information may also be requested by FFSL at its sole discretion. An example of an acceptable community boat dock association agreement is included in Exhibit B.

5.3 Siting Considerations

Proposed locations for boat docks will be a primary factor when considering applications. Boat docks will be considered when there is demonstrated need for moorage in an approved area, adequate access is available, and an appropriate site exists, as determined by FFSL, to support the community dock. FFSL will base its decision, in part, on the land use management classifications identified in Figure 2.4 of the ULMP. The placement of boat docks will be considered in Class 2 and Class 3 areas except Class 2 and Class 3 areas within Provo Bay, which are restricted to certain projects. Boat docks will be authorized in Class 1 areas only if they do not interfere with existing leases. No boat docks will be authorized in Class 4 areas (areas being inventoried for resources), Class 5 areas (potential resource preservation areas) or Class 6 areas (resource preservation areas).

Regardless of land use classification, community boat docks will only be considered in areas where the sovereign lands boundary between FFSL and the adjacent, upland landowner has been adjudicated. In addition, FFSL will limit the density of allowed boat docks for private use to four (4) boat dock structures per 1,000 linear feet of shoreline. The limit on density is required to minimize adverse impacts to natural and cultural resources, navigation, public recreation and adjacent property.

FFSL will consider each community boat dock application on a case-by-case basis. This means that while the land use classifications may guide the preliminary evaluation, FFSL will use other site-specific information, data, observations and input from other regulatory agencies in determining approval. Therefore, while Class 2 and some Class 3 areas are open for consideration of any use, this does not imply authorization of a community boat dock is guaranteed in these classification areas.

5.4 Need for Other Regulatory Approvals

Applicants for community boat docks must demonstrate compliance with all other applicable state and federal rules and regulations. Applicants may submit their applications prior to obtaining these other approvals but FFSL will not authorize any community boat dock until the applicant provides verification that the other requirements, permits, and approvals have been obtained.

The additional requirements, permits, and approvals include but are not limited to:

- Verification from the USACE that no wetlands will be disturbed as part of the project, or, if wetlands are disturbed, USACE and the applicant have agreed to a mitigation plan;
- Building permit and other approvals from local government entities;
- Permit from DSPR or copy of DSPR correspondence indicating no prior authorization required.

Other permits that might also be required will be contingent upon location and could include approval from the June Sucker Recovery Implementation Program, an easement or right-of-way for access across a public trail or review and/or approvals by DWR.

5.5 Permitted Structures

5.5.1 Types of Permissible Structures

Only temporary dock structures will be allowed. They may be placed in the water beginning April 30 and must be removed by October 1 of each year. Docks not removed by October 1 will be removed by FFSL at the permittee's expense. These structures can be floating docks or seasonal pipe/wood post structures. Dock types that will not be authorized under any circumstances due to their potential adverse impacts include but are not limited to:

- Crib (supported by a rock-filled crib placed on lake bottom),
- Permanent pile-supported,
- Cantilever/suspension,
- Roll-in or wheeled, and
- Articulating or lift docks.

Docks will need to be launched from an existing, approved boat ramp and moved into place by boat unless the landowner can demonstrate that all components of the dock can be set into place and assembled without disturbance to the shoreline. No mechanized or wheeled equipment including tractors, four wheelers or any type of vehicle will be permitted on sovereign lands of Utah Lake to install any dock structure.

5.5.2 Approved Construction Materials

To minimize impacts to natural and aesthetic resources, FFSL must control what types of materials are used to construct community boat docks. The following list includes examples of acceptable construction materials that will be considered:

- Untreated wood
- Pressure-treated wood using methods that are approved by the EPA for freshwater use (wood treated with oil-based preservatives such as creosote or pentachlorophenols and wood treated with Chromated-Copper-Arsenate is prohibited),
- Composite woods (plastic + wood),
- Vinyl,

- Fiberglass,
- Recycled plastics such as Trex® or other similar material,
- Galvanized/coated metal,
- Stainless steel, and
- Aluminum.

Other construction materials not listed above will be considered on a case-by-case basis assuming that the applicant provides sufficient information to FFSL required to complete an adequate review. The list of acceptable construction materials may be amended at any time by FFSL.

Flotation materials are limited to closed-cell expanded polystyrene (EPS) materials, dedicated plastic float drums or other floatation devices commercially manufactured for marine use. Flotation materials must be resistant to puncture, penetration, and damage by animals and fire. Open-cell EPS ("beadboard" or Styrofoam™) or reuse of metal, plastic or other previously used drums or containers is prohibited.

Anchoring options for floating docks are limited to use of poles and sleeves, use of dead weights or dock-to-shore cabling. Dock-to-shore cabling can create adverse impacts to shoreline habitat and impede use of the shoreline by the public. Therefore, dock-to-shore cabling will be considered by FFSL on a case-by-case basis based on proposed dock location, site conditions, proposed methods for securing cable to shoreline and other criteria. Permanent piles and stiff-arm mechanisms are prohibited as anchoring mechanisms. Dead weights must be commercially manufactured for marine use. Use of concrete-filled buckets, concrete blocks, rocks, vehicle parts (e.g., engine blocks) or similar materials for dead weights will not be authorized under any circumstances.

5.5.3 Design, Size and Spacing

FFSL will enforce the following requirements for design, size and spacing of community boat docks:

- Dock shall be constructed as nearly as possible at right angles to the general shoreline.
- Maximum square footage of each dock, including finger docks and slip areas, must not exceed 1,550 square feet (ft^2). This maximum does not include catwalks or walkways connecting the main dock area to the shoreline.
- Only one (1) catwalk or walkway is allowed per dock. It must be constructed using similar materials as those used for the deck of the dock.
- Catwalk or walkway must be a minimum of three (3) feet in width but cannot exceed six (6) feet in width.
- Total width of dock cannot exceed 50 feet including finger docks for slips, catwalk and main deck area of dock.
- Dock length is limited to the minimum needed to reach a water depth that will afford sufficient draft for watercraft customarily in use on Utah Lake during the normal low water period. However, dock length will not be allowed to exceed a length that will impede safe navigation as determined by FFSL and DSPR.

- Docks must be located at least 25 feet from adjacent property lines unless written permission is provided from adjoining landowner or the landowner is a member of the community boat dock association.
- Only one boat slip per landowner is permissible.
- Docks are to be located no closer than 50 feet from the nearest point of an adjacent dock or buoy.
- No decks, elevated viewing areas, enclosures, walls, roofs or similar enclosures will be permitted on any portion of the dock or catwalks. Handrails or other similar structures cannot exceed a height of four (4) feet from the surface of the dock.
- Docks must be constructed such that passage on sovereign lands by members of the public is not hindered. Examples of techniques to aid public passage include a stairway over the dock or establishment of sufficient space around the landward end of the dock to allow safe passage.
- Installation of lighting other than that required by DSPR for navigational purposes is prohibited.
- Boat lifts of any type are prohibited.

Figure 5-1 includes a plan view illustration of an acceptable dock design within the required setbacks, spacing and other design criteria. Figure 5-2 depicts a side view of acceptable dock heights, markings, and anchoring mechanisms.

The use of naturally colored construction materials, such as green and brown tones, will be encouraged by FFSL to enhance the aesthetics of the structures.

5.5.4 Other Stipulations and Requirements

In addition to general permit conditions and the stipulations outlined above, there are other specific stipulations regarding the installation and use of community boat docks that FFSL will require for Utah Lake. These stipulations include but are not limited to:

1. UAC R652-60 requires that FFSL "take into account the effect of sovereign land uses on any district, site, building, structure or specimen that is included in or eligible for inclusion in the State Register or National Register of Historic Places, and allow the State Historic Preservation Officer a reasonable opportunity to comment with regard to the undertaking." To comply with this requirement, FFSL, at its sole discretion, may require that the applicant hire a certified contractor to complete a cultural resource survey prior to any disturbance of sovereign lands. The need for such a survey will be determined on a case-by-case basis by FFSL with input from other regulatory agencies.
2. A placard constructed of durable materials must be affixed to the dock where it is clearly visible from the water. The placard must clearly state owner name/s, address, and contact information. A "Tyvek®" type tag must also be affixed to the label indicating that the dock is an FFSL authorized structure.
3. The posting of "No Trespassing", "Private Property" or other signage forbidding entry is forbidden on any dock structure that is situated partially or fully on sovereign lands. At no time shall the general public be denied access

to sovereign lands of Utah Lake on or around the dock or other structures for fishing or other recreational uses.

4. The permittee shall provide valid and sufficient insurance coverage as evidenced by a current Certificate of Insurance and Policy. The insurance coverage must remain in effect at all times. If the coverage is allowed to expire, the owner will be required to immediately remove the dock from Utah Lake. Coverage amounts are to be determined by FFSL prior to authorization.
5. The authorization of a community boat dock does not include permission for the placement of any buoy, including a mooring buoy. The installation of buoys is authorized under a separate permit process.
6. No dredging or removal of sand, gravel, mud, or soil from sovereign lands is authorized as part of the community boat dock authorization.
7. Construction of jetties, breakwaters, concrete boat ramps or other similar structures is forbidden as a part of the community boat dock authorization.
8. The placement of riprap, concrete, or other hardening of the shoreline on sovereign lands is not allowed under the community boat dock permit.
9. No fencing or other similar material used to prevent access to the dock by animals, birds, or humans will be allowed.
10. Tables or benches for cleaning fish will not be allowed on dock structures or associated walkways.
11. Electrical appliances such as stoves, refrigerators, freezers, or similar electrical devices are not permitted on dock structures.
12. All maintenance of the boat dock involving the use of paints, stains, solvents, or soaps shall not be conducted when the docks are in or over water on sovereign lands.
13. Storage or pumping of fuel on sovereign lands, including on dock structures, is prohibited. Maintenance of vessels is not permissible on sovereign lands whether the vessel is in or out of the water.
14. In the event a dock structure used or stored at another water body is to be put into use at Utah Lake, it shall be inspected for invasive species by a qualified professional and determined to be free from such species prior to installation or be properly decontaminated. Proof of inspection and/or decontamination shall be provided to FFSL by the dock owner prior to use.
15. Installation of additional power or water supply to the dock is prohibited.
16. Quiet hours of the boat docks shall be between 10 p.m. and 6 a.m.
17. Camping or living on boats while docked is prohibited.

FFSL may add, delete or otherwise amend stipulations and requirements for any community boat dock authorization as conditions change or unforeseen circumstances arise necessitating such a change.

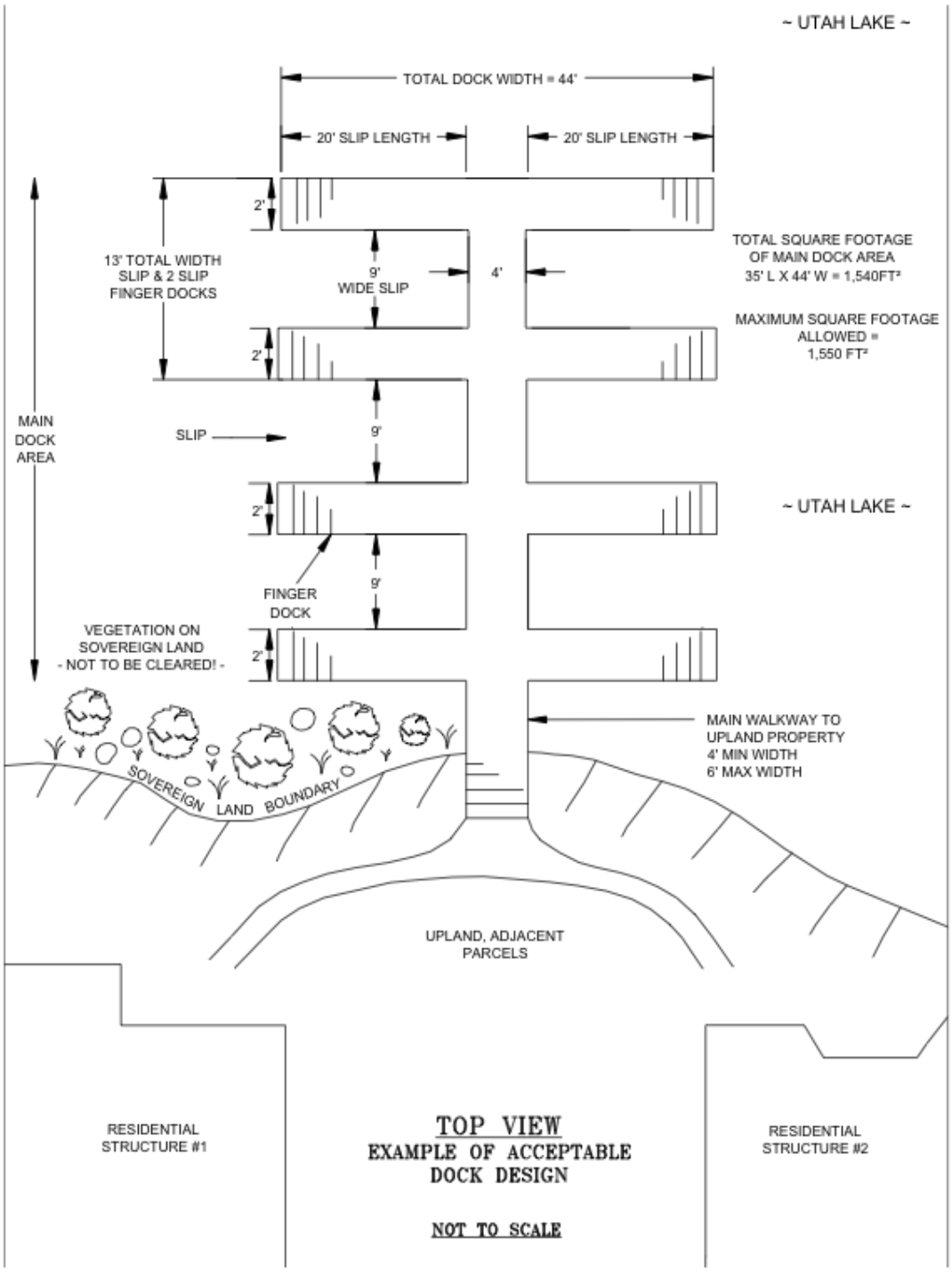
~ UTAH LAKE ~
TOTAL DOCK WIDTH = 44'
20' SLIP LENGTH
20' SLIP LENGTH
2'
13' TOTAL WIDTH
SLIP & 2 SLIP
FINGER DOCKS
9'
WIDE SLIP
4'
TOTAL SQUARE FOOTAGE
OF MAIN DOCK AREA
35' L X 44' W = 1,540FT²
MAXIMUM SQUARE FOOTAGE
ALLOWED =
1,550 FT²
2'
MAIN
DOCK
AREA
SLIP
9'
2'
~ UTAH LAKE ~
FINGER
DOCK
9'
VEGETATION ON
SOVEREIGN LAND
- NOT TO BE CLEARED! -
2'
MAIN WALKWAY TO
UPLAND PROPERTY
4' MIN WIDTH
6' MAX WIDTH
SOVEREIGN LAND BOUNDARY
UPLAND, ADJACENT
PARCELS
RESIDENTIAL
STRUCTURE #1
TOP VIEW
EXAMPLE OF ACCEPTABLE
DOCK DESIGN
NOT TO SCALE
RESIDENTIAL
STRUCTURE #2

FIGURE 5-1

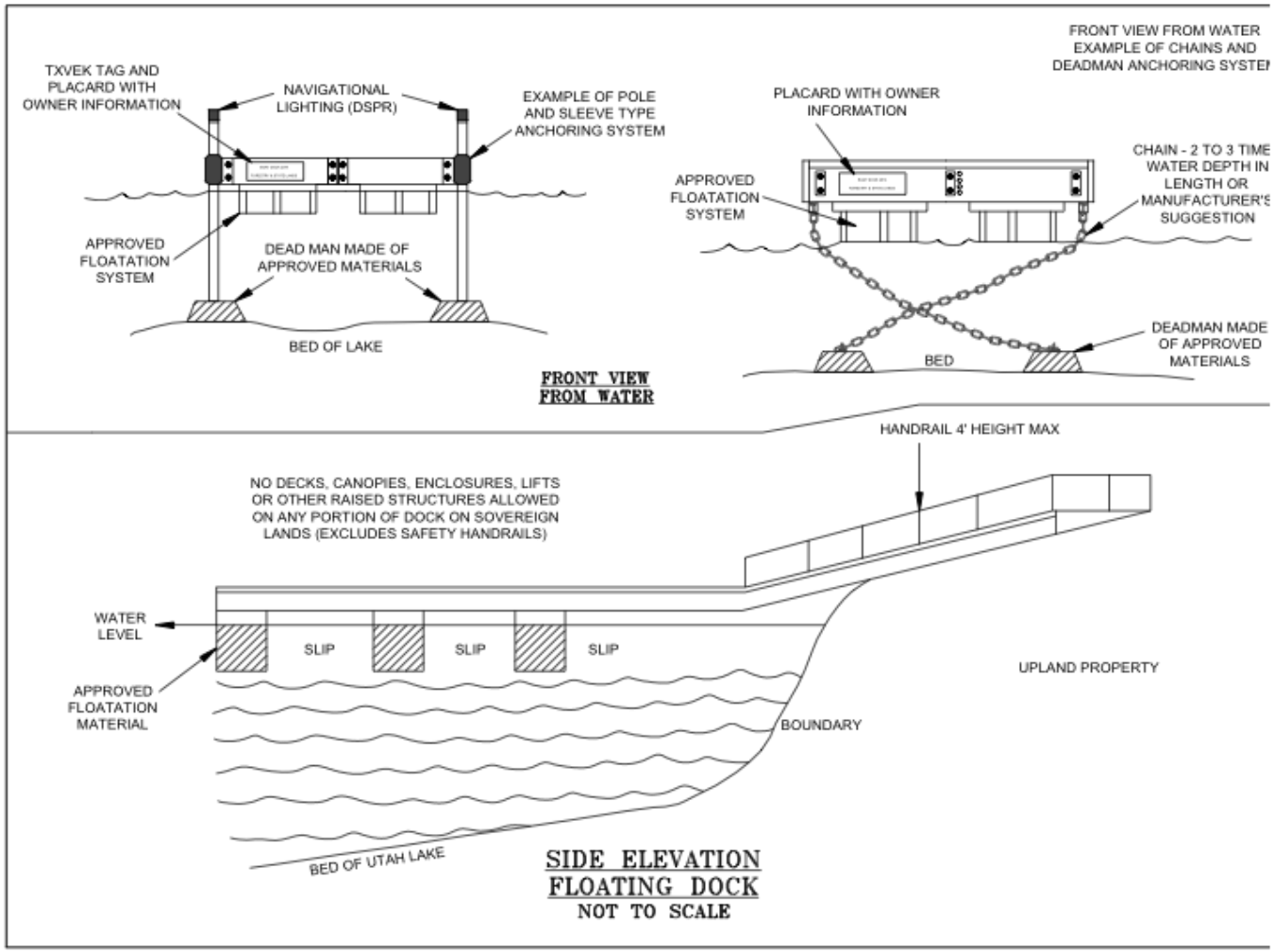
TXVEK TAG AND PLACARD WITH OWNER INFORMATION
NAVIGATIONAL LIGHTING (DSPR)
EXAMPLE OF POLE AND SLEEVE TYPE ANCHORING SYSTEM
APPROVED FLOATATION SYSTEM
DEAD MAN MADE OF APPROVED MATERIALS
BED OF LAKE
FRONT VIEW FROM WATER
FRONT VIEW FROM WATER EXAMPLE OF CHAINS AND DEADMAN ANCHORING SYSTE
PLACARD WITH OWNER INFORMATION
APPROVED FLOATATION SYSTEM
CHAIN - 2 TO 3 TIME WATER DEPTH IN LENGTH OR MANUFACTURER'S SUGGESTION
DEADMAN MADE OF APPROVED MATERIALS
BED
HANDRAIL 4' HEIGHT MAX
NO DECKS, CANOPIES, ENCLOSURES, LIFTS OR OTHER RAISED STRUCTURES ALLOWED ON ANY PORTION OF DOCK ON SOVEREIGN LANDS (EXCLUDES SAFETY HANDRAILS)
WATER LEVEL
SLIP
SLIP
SLIP
APPROVED FLOATATION MATERIAL
UPLAND PROPERTY
BOUNDARY
BED OF UTAH LAKE
SIDE ELEVATION
FLOATING DOCK
NOT TO SCALE

FIGURE 5-2

6.0 Conclusions

Based on the results of the comparative analysis of feasible alternatives, FFSL has selected a community boat dock permitting strategy to allow private access to Utah Lake by adjacent, upland landowners. FFSL has concluded that the community boat dock strategy provides a compromise between permitting private access by adjacent landowners and protecting natural and cultural resources as well as the public trust values of navigation and public access.

The community boat dock approach has many benefits. Compared to other alternatives considered, potential impacts to shoreline habitat, vegetation, wildlife, water quality and cultural resources are greatly reduced. The alternative can be easily replicated on other parts of the lake to meet future demand for private access and, in so doing, does not jeopardize public access. It also provides financial benefits for adjacent landowners by allowing them to pool their financial resources or work through a homeowners' association to acquire a better dock than they might otherwise be able to purchase on their own.

Many sources have been used by FFSL to develop fair but stringent requirements to ensure that the community boat dock strategy is implemented in a manner consistent with the ULMP, rule, statute and Public Trust Doctrine. These sources include the permitting strategies of adjoining states such as Idaho, Nevada and Arizona as well as federal regulatory agencies that have extensive experience in boat dock permitting such as the USACE, Bureau of Reclamation, and NOAA.

FFSL intends to utilize an adaptive management approach in its implementation of the community boat dock permitting strategy. The adaptive management approach allows FFSL the flexibility to adjust the requirements, stipulations and other factors used in implementing the strategy as needed. Since the community boat dock approach is a new strategy for FFSL, it is expected that adjustments in implementation will likely be required as "on-the-ground" experience is gained. FFSL will continue to work with its partners in the Utah Lake Commission as well as the public and other regulatory agencies to ensure that the community boat dock strategy is effectively implemented.

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ATTACHMENT A
DRAFT BOAT DOCK APPLICATION FORM

The State of Utah
Department of Natural Resources

Division of Forestry, Fire & State Lands

General Permit Application for the Placement of Private Boat Docks on Utah Lake Sovereign Lands

FOR AGENCY USE ONLY	
Date Application Received:	_____
General Permit Number:	_____
Lessee Number:	_____
PLSS Legal Description:	**Township:** _____
	Range: _____
	Section: _____
	Meridian: _____

PLEASE READ THE FOLLOWING NOTES PRIOR TO COMPLETING AND SUBMITTING THIS APPLICATION:

1. **This application is for the placement of private boat docks on sovereign lands ONLY. For all other uses of sovereign lands requiring prior authorization (e.g., buoys or removal of sand, gravel, mud and vegetation) please visit the Division website at www.forestry.utah.gov for appropriate permit application forms.**
2. **The applicant/s MUST COMPLETE all sections of this application before the Division will accept and process the application for review. If a section is not applicable to you, please indicate so by writing "N/A" in the corresponding spaces.**
3. **Application must be typed or completed using pen.**
4. **All General Permit Applications for Private Boat Docks on Sovereign Lands MUST BE accompanied by a non-refundable application fee of $300.00. Please make checks payable to "FFSL". No applications will be accepted without payment of the application fee.**
5. **Red text in this application is intended to draw attention to documents, drawings, or other information that must be attached to the application. Any application submitted without the required attachments will be deemed incomplete and will not receive further consideration by the Division until applicant/s has provided requested information.**
6. **Submittal of an application does not guarantee approval by the Division. Private docks can only be installed on sovereign lands AFTER the applicant/s has received a fully executed copy of a General Permit from the Division.**

SECTION I. APPLICANT CONTACT INFORMATION

Name of Applicant or Primary Point of Contact (for community boat docks):

_____

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone: _____ **Alt Phone:** _____

Email Address: _____

SECTION II. PARCEL INFORMATION

Parcel information must be provided below for each parcel owner participating in the community boat dock association. A copy of the deed or notice of valuation for EACH parcel must be attached to this application.

Landowner 1

Parcel County: _____ **Parcel City:** _____

Name of Parcel Owner: _____

Parcel Number (from city and county tax records or online GIS system):

_____

Physical Address of Parcel: _____

Approximate Linear Shoreline Frontage (in feet): _____

Landowner 2

Parcel County: _____ **Parcel City:** _____

Name of Parcel Owner: _____

Parcel Number (from city and county tax records or online GIS system):

_____

Physical Address of Parcel: _____

Approximate Linear Shoreline Frontage (in feet): _____

Landowner 3

Parcel County: _____ **Parcel City:** _____

Name of Parcel Owner: _____

Parcel Number (from city and county tax records or online GIS system):

_____

Physical Address of Parcel: _____

Approximate Linear Shoreline Frontage (in feet): _____

Landowner 4

Parcel County: _____ **Parcel City:** _____

Name of Parcel Owner: _____

Parcel Number (from city and county tax records or online GIS system):

_____

Physical Address of Parcel: _____

Approximate Linear Shoreline Frontage (in feet): _____

* For additional landowners, attach additional pages.

SECTION III. BOAT DOCK INFORMATION

A sketch or drawing of the proposed boat dock MUST be attached to this application.
The sketch/drawing must include, at a minimum, all of the following:

1. **Dock dimensions including any catwalk,**
2. **Location of slips and dimensions of each,**
3. **Type of anchoring mechanisms and proposed locations for each,**
4. **Approximate location and distances to adjacent property lines and adjacent shoreline.**

If purchasing a prefabricated dock from a manufacturer, please attach copies of the manufacturer's drawings and/or dock specifications.

1. Total Dock Width: _____FT
2. Total Dock Length (including catwalk/ramp): _____FT
3. Square Footage of Main Deck Area: _____FT^2
4. Which of these acceptable materials is being used to construct the dock (please check all that apply)?
- ☐ **Wood (untreated or wood approved by the EPA for aquatic use)**
- ☐ **Composite wood (wood + plastic)**
- ☐ **Vinyl**
- ☐ **Fiberglass**
- ☐ **Recycled materials (such as Trex™)**
- ☐ **Galvanized/coated metal**
- ☐ **Stainless steel**
- ☐ **Aluminum**
- ☐ **Other, please specify: _____**

5. How will the dock be anchored?
- ☐ **Dead weights approved for aquatic use**
- ☐ **Pole and sleeve system**
- ☐ **Dock-to-shore cabling (considered on a case-by-case basis only)**

6. Number of slips? _____

7. Is the proposed dock located at least 25 feet from adjacent property lines?
☐ **Yes** ☐ **No**

8. If you checked no to Question #7, is the adjacent property owner a member of the community boat dock association?
☐ **Yes** ☐ **No**

***If checking no to Question #8, you must attach a notarized copy of written consent signed by the adjacent landowner granting approval for the placement of a dock within 25 feet of their property line.**

9. What is the approximate distance to the nearest dock or buoy? _____FT

10. Describe the type of floatation material that will be used to support the dock.

_____

_____

SECTION IV. OTHER REGULATORY APPROVALS

The applicant/s must attach copies of all other permits and/or authorizations that are necessary for the construction, operation and maintenance of the boat dock.
Examples of other permits that may be required include but are not limited to the following:

- ✓ **Local government permits,**
- ✓ **Easements for access across private and/or public property,**
- ✓ **U.S. Army Corps of Engineers authorizations,**
- ✓ **Utah Division of State Parks and Recreation approvals, and**
- ✓ **Utah Division of Wildlife Resources approvals.**

The Division will not approve an application for a private dock on sovereign lands until supporting documentation has been provided demonstrating obtainment of all other necessary permits and approvals.

SECTION V. CERTIFICATE OF INSURANCE

The applicant/s agree to provide and maintain during the term of the permit, at the sole expense of the applicant/s, a policy of liability insurance naming the applicant/s and the DIVISION as jointly insured parties under the policy. The policy shall fully insure DIVISION against any and all loss, damage, liability, and injury incurred by any person, firm, corporation, or government entity arising out of applicants' use of the permit. The limits of the policy shall be no less than $1,000,000.00 for each occurrence. The applicant/s must attach current proof of insurance policy to this application and must maintain valid insurance for the duration of any authorization issued as a result of this application.

SECTION VI. COMMUNITY BOAT DOCK ASSOCIATION AGREEMENT

All applicants applying for a boat dock at Utah Lake must be participants of a community boat dock association. A signed and notarized copy of the community boat dock association agreement must be attached to this application.

A sample community boat dock association agreement is included in Attachment A. This sample agreement is provided as an example only. The community boat dock associations must be created in accordance with the laws of the State of Utah. The Division recommends that applicants consult an attorney when creating the association and drafting a community boat dock agreement.

NOTE: The Division will consider boat dock applications from individual landowners ONLY under extenuating circumstances. An extenuating circumstance that may qualify for temporary exemption from the community boat dock requirement includes the lack of adjacent landowners within a reasonable distance. You must contact staff within the Sovereign Lands Program by calling 801-538-5555 if you feel you may qualify for an exemption. Any exemptions will be issued on a temporary basis and shall be converted to a community boat dock authorization as conditions allow.

SECTION VII. APPLICANT SIGNATURE PAGE

NOTE: For community boat dock applications, all members of the association must sign this application before a Notary Public in the designated areas below. All participants in the community boat dock association are subject to the rules, requirements and stipulations of any authorization issued as a result of this application.

I state that I, or the community boat dock association that I represent, am eligible to acquire this General Permit under the laws of Utah, and the rules of the Division of Forestry, Fire and State Lands. In signing this agreement, I also agree to abide by all rules, regulations and stipulations pertaining to the private floating facility as provided in the General Permit issued by the Division of Forestry, Fire and State Lands and the State of Utah. I attest that all owner information provided to the Division of Forestry, Fire and State Lands is factual and bonafide and that any misrepresentation to obtain a permit will result in termination or disqualification of the permit application.

_____	_____
Member Signature	**Member Signature**
_____	_____
Member Signature	**Member Signature**

*** For additional members, attached additional signature pages**

State of _____

County of _____

On this _____ day of _____ , _____, before me, a Notary Public, personally appeared the signatories listed above, to me known to be the persons described in and who executed the foregoing instrument, and acknowledge that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in _____ County the day and year last above written.

My Commission Expires: _____

_____

Notary Public

ATTACHMENT B
SAMPLE COMMUNITY BOAT DOCK ASSOCIATION AGREEMENT

Sample Community Boat Dock Association Agreement

Note: This sample agreement is provided as an example only and is not intended as an endorsement or recommendation of this agreement by the Division of Forestry, Fire and State Lands (Division). Applicants may replicate and use the following sample agreement, but the Division does not endorse or guarantee the validity of this document. Applicants are encouraged to consult with an attorney regarding their community boat dock association agreement.

Community Dock Bylaws and Dock Association Agreement General Permit Number XXXXXX

Each association member must be an adjacent upland property owner on Utah Lake and agree to comply with all applicable rules and regulations as well as the conditions set forth in the General Permit issued by the Division of Forestry, Fire and State Lands (see General Permit XXXXX for a complete list of stipulations and requirements).

The community dock association ("Association") is a joint-use legal commitment. Access, maintenance, costs, and other such matters concerning the community dock ("permitted facility") are codified via the signatures on this document.

Now, therefore, in consideration of the mutual benefits to be derived here from, the parties covenant and agree as follows:

1) Primary Point of Contact: The Association shall nominate a primary point of contact for communication with the Division and any other government agencies or interested parties. The primary point of contact should be a member of the Association that is readily accessible in the event of an emergency related to the operation of the permitted facility.
2) Ownership and Use: Each household shall have an undivided equal ownership interest in the community dock. If future new members are added to the Association, they will have an equal share with the other members.
3) Membership Expansion: If the current members of the Association unanimously agree to include new members from adjacent properties, the new member(s) must sign the agreement and agree to all its provisions after approval from the Division.
4) Exclusive Use: Only members ("Owners" or "Members") in good standing (defined as having no unpaid dues, late charges, or fine assessments, and not having been denied access to the facilities for reason of previous misuse) of the Association are authorized to dock their boats/watercrafts at the community dock. No other individuals are permitted to utilize the dock and its facilities.
5) Liability: The members of the Association assume liability for the community dock including damage negligently caused to private or public property resulting directly or indirectly from the operation, use, or maintenance of the dock structure.
6) Expenses: All expenses related to the installation, maintenance, removal, or payment of penalties incurred due to failure to comply with applicable laws, rule, and requirements of the General Permit shall be divided among the Association members on an equal basis based on interest and ownership rights.
7) Repairs, Maintenance, and Improvements: Any member identifying a need for repair, maintenance or improvement of the dock shall notify all other Association

members in a timely manner. Any repairs, maintenance or improvements to the dock shall be approved by a simple majority of Association members prior to undertaking such actions. Only individuals or third parties that have been previously approved by a simple majority of Association members may conduct repair, maintenance or improvement activities. Any activities other than routine maintenance and repair must receive prior authorization from the Division of Forestry, Fire and State Lands.

8) Binding Effect: This Agreement shall not be assignable or otherwise transferable by any party hereto without the prior written consent of the other parties hereto and the Division of Forestry, Fire and State Lands, and any purported assignment or other transfer without such consent shall be void and unenforceable.

In addition to the above-stated requirements, all Association members shall abide by the following stipulations:

- No attempt shall be made to forbid the full and free use by the public of all navigable waters at or adjacent to the permitted facility.
- Construction, operation, maintenance or any other use of the dock structure shall in no way interfere with free and safe navigation of any waters on sovereign/public lands.
- The use of the facility shall be limited ONLY to the mooring of recreational watercraft.
- Neither the dock nor any vessel regularly moored hereto shall be used for human habitation or in a manner giving the appearance of converting the public property on which the facility is located to private exclusive use.
- Association members are prohibited from charging non-members for use of the permitted facility, and no commercial activity can be engaged in association with the facility.
- Only approved members of the Association may moor vessels at the permitted facility.
- All persons must stay on the designated pathways when walking to a dock area.
- No waste cans, paper, debris or other refuse are to be left at the dock or dock area or disposed of into the water. Removal of all trash from the permitted facility is the responsibility of each member and their guest/s.
- All dogs shall be kept on leashes and not left unattended. Each member and their guests are responsible for ensuring that the docks, walkways, and immediate areas surrounding permitted facilities are not used by pets for waste disposal.
- Members shall not create visual or noise disturbances while utilizing the permitted facility.
- An Association member may only moor one boat/personal watercraft at a time at the permitted facility.
- Use of electrical cords and electrical devices are prohibited on or immediately surrounding the permitted facility. No electrical hookups are allowed on the structure and no method of temporary power supply such as generators or similar equipment may be utilized on the permitted structure.
- Boat/watercraft owners and operators must minimize speed and wake while entering and exiting the dock areas so as to do no harm to docks or other boats/watercraft and shoreline areas.

- Dock (moor) lines shall be of sufficient size (no less than 3/8" nylon or equivalent) and be properly utilized so as to secure a boat/watercraft at the dock in a manner that will not cause damage to either the dock or nearby boats/watercrafts. Mooring lines should be tied in such a manner as to protect adjacent boats/watercrafts.
- No fire of any kind, including fire contained in a charcoal burner, is permitted on the permitted facility or on a boat/watercraft while the boat/watercraft is moored at the permitted facility.
- No fireworks or other explosives are permitted on boats/watercrafts or on the permitted facility at any time.
- The storage of gasoline, oil or other hazardous and flammable substances is not allowed on or immediately surrounding any permitted facility.
- It is the responsibility of all members to inform their guests of the regulations concerning use of the permitted facility and ensure compliance with said regulations. All members are responsible for their own and guests' conduct. No guests will be permitted to cause a disturbance. Common sense and courtesy to fellow homeowners and dock users is expected.
- Any dock structure or appurtenances damaged or destroyed by negligence or improper use shall be replaced at the offending member's expense.
- No dock boxes, lockers, storage containers, or boarding steps of any kind may be left on the permitted facility.
- No child under 16 years of age shall be allowed on the permitted structure while unsupervised. An adult must be present when the dock and dock related facilities are being used by youth under age 16. No boat/watercraft operators under the age of 16 may utilize the dock.
- Violation of the dock rules shall be grounds for suspension of usage and/or revocation of authorization. The Association may terminate, subsequent to a simple majority vote by all members, dock privileges and/or ownership rights of any member for documented abuse or negligence in abiding by these rules in whole or in part. Upon termination of privileges, the offending member shall have right to refund of financial interests in the permitted structure limited to that originally invested in the purchase and/or construction of the structure. Ongoing financial obligations such as maintenance costs, membership dues or any other financial interests paid as part of Association membership shall not be refunded to the offending member by the Association in part or in whole.

It is the dock owners' responsibility to notify the Division by written correspondence within 30 days of any of the following events or changes in membership:

- Any changes in the designated point of contact for the Association.
- Changes in contact information for any Association members.
- Membership changes or any other transition of membership resulting from life changes such as a transfer of parcel ownership, death, divorce, remarriage or other circumstances that may alter membership in the Association.
- Any Association decision to expand its membership to include additional members from adjacent properties. This amendment must be approved by the Division prior to amending the agreement.

This is the entire agreement between the parties. There are no other understandings, verbal or written. This agreement may be modified only by written agreement between

parties.

Points of Contact for Members of the Community Boat Dock Association General Permit Number XXXXXXXX

Primary Point of Contact:

Name: _____

Address: _____

Home Phone: _____

Mobile Phone: _____

Work Phone: _____

Email Address: _____

Point of Contact 2:

Name: _____

Address: _____

Home Phone: _____

Mobile Phone: _____

Email Address: _____

Point of Contact 3:

Name: _____

Address: _____

Home Phone: _____

Mobile Phone: _____

Email Address: _____

Point of Contact 4:

Name: _____

Address: _____

Home Phone: _____

Mobile Phone: _____

Email Address: _____

Point of Contact 5:

Name: _____

Address: _____

Home Phone: _____

Mobile Phone: _____

Email Address: _____

In signing this agreement, I/we agree to abide by all rules, regulations and stipulations pertaining to the permitted facility as provided in this agreement, the General Permit issued by the Division of Forestry, Fire and State Lands, and the State of Utah. I/we certify ownership of adjacent, upland property on Utah Lake.

Signature of All Association Members (only one individual from each household need sign):

Signature 1: _____

Signature 2: _____

Signature 3: _____

Signature 4: _____

Signature 5: _____

STATE OF)
: §
COUNTY OF)

On the _____ day of _____, 2014, personally appeared before me, signer(s) of the above instrument who duly acknowledged to me that s/he/they executed the same.

Given under my hand and seal this _____ day of _____, 2014.

_____
Notary Public